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**RICHARD NEWTON HILL, JR.**RECEIVED  
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MAY 24 2007

**Fax**

**To:** Ms. Hope Wiggins, LIE **From:** RICHARD N. HILL, JR.  
**Fax:** 1-571-273-8300 **Pages:** 4  
**Phone:** 1-571-272-4401 **Date:** Thursday, May 24, 2007  
**Re:** Your Notice Of Non-Compliant Amendment (37CFR 1.121) of May 17, 2007, U.S. PATENT  
APPLICATION NO. 10/800701, filed June 23, 2003, TC/A.U.: 3746, Examiner: Charles G. Freay

☒ Urgent ☒ For Review ☒ Please Comment

• **RESPONSE TO MS. WIGGINS LIE, "NOTICE OF NON-COMPLIANT AMENDMENT (37CFR 1.121)**

- Claims 1-44 (canceled)

**CLAIMS**

45. ( new) A wave and tide actuated submersible pump for use in an open body of water,  
said wave and tide actuated submersible pump comprising a pump cylinder (7) having an  
open top end and a closed bottom end (13), said cylinder (7) is affixed to a structure located  
in an open body of water,  
an inlet check valve (11) and an outlet check valve (12) connected to openings in the  
pump cylinder (7) near the lower end of said cylinder (7), said inlet check valve (11) allowing  
for the intake of water from the body of water and said outlet check valve (12) controlling the  
flow of water from the pump to a remote location,